

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 2/13/2019

Case Number 2:18-cr-00134

Case Style: USA v. Allen H. Loughry II

Type of hearing Sentencing

Before the honorable: 2508-Copenhaver

Court Reporter Catherine Schutte-Stant

Courtroom Deputy Kelley Miller

Attorney(s) for the Plaintiff or Government Philip H. Wright/R. Gregory McVey

Attorney(s) for the Defendant(s) John A. Carr

Law Clerk

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Court Time

1:34 pm to 3:03 pm

3:27 pm to 4:03 pm

Total Court Time: 2 Hours 5 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

1:30 case set

1:34 - case called - defendant sworn - defense counsel over presentence report with the defendant thoroughly and he understands - defendant read presentence report, went over with his attorney, he explained, defendant understands everything

Objections by the defendant - the court ruled on the defendant's objections as more fully set forth on the record

Objections by the government - the court ruled on the defendant's objections as more fully set forth on the record

The court ascertained the defendant's agreement as to the factual accuracy of the presentence report (except for those matters objected to) as more fully set forth on the record

3:03 Recess

3:27 Resume

Parties argued the obstruction of justice enhancement

Parties argued the misrepresentation/abuse of position of trust enhancements (as to whether or not they apply cumulatively)

Court made findings as more fully set forth on the record - two-level enhancement for obstruction of justice is appropriate - the two-level enhancement for abuse of position of public trust cannot be applied by virtue of the Application Note 8(E)(I) to USSG Section 2B1.1

Total Offense Level is 12, with a Criminal History category of I, yielding an advisory guideline range of 10-16 months in

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Zone C

Parties addressed the court prior to sentencing

Court stated reasons for sentence including 3553(a) factors and reasons for upward variance

Sentence - 24 months (on each count to run concurrently) - 3 years supervised release - restitution \$1,273/\$1,000
special assessment/\$10,000 fine (all paid within 60 days)

Self-report by April 5, 2019

Defendant to remain on bond (probation officer may approve trips to Tucker County)

14 days to appeal

4:03 concluded